1851/W 6113 Exemption from Local & Municipal taxation of land & buildings occupied by the Central Govt during the present emergency

General and Revenue Secretariat | File No | of 194 | App F III-2

Serial No

From The Secy to the Govt of Kerala to Resident No RF 85246/Pol dt 28th Feby 46 forwg a copy of Defence Dept Letter to the Govt of India on exemption from Local & municipal taxation of land & buildings occupied by the Central Govt during the present emergency & requesting that parallel action may be taken in Mysore in respect of lands which may still be occupied by the Central Govt

1) This was transferred to the Legl Br for necessary action vide for perusal

RS 1/3

Legl Br) 1/3

2) Should we issue a draft reply to the Residency

3) May be approved

Resident) 4/3/46

4) Under what provision of law or Act has such been done before? Is it under any Ordinance or Regulation?

Legl 7/3/46

Govt 8/3/46.

'Immovable property'

6113

NOTE—Contn Sheet

6113
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File No [illegible] of 194

General and Revenue Secretariat

Serial No

5) This is covered by the provisions of Section 154 of the Government of India Act, 1935, (vide Extract flagged) 7032 1 12 1 (Flag Y)

6) Such exemptions have been granted on the basis regarding levy of octroi on materials received by the Municipality, etc (vide linked files)

7) Refer Para 4 Supra

Revised 14/3/46

14/3

8) Draft reply to the Residency for appl

Minister for Edn & Pl 14/3/46

& Dewan

18/3/46

23

21/3/46

Dewan 22/3/46

Legislative & Revenue

TYPING SECTION 22 MAR. 1946 GEN. & REV SECTT

C/ [illegible] 15 3 46 5645

DEWAN 18 MAR. 1946 5592

19 3 46 5724

6113

To The Secretary to the Hon'ble the Resident

pol 2223 dated 27-3-46

Politics ~~States~~ that necessary instructions have been issued to Local Bodies concerned in Mysore State

To Deputy Dists

President, K-Y-T Sanitary Assn

Pl. bar Asst

President, Adv Pl of Mysore

L 10327-39 dated 5-4-46

Forwarded for necessary action

B

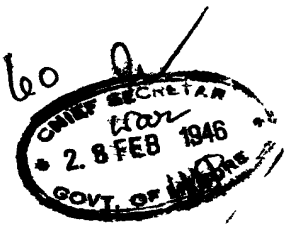
Persident a ... f India,
... of ... s/3875-Dc/45.,
Bangalore

... Bangalore, 28th ... 1946

... from ... ied by the Central
... Government during the present emergency

PL 104-45-3

I am directed to forward a co... of the ... ove ... nt of
India (late) Defence Department letter to Provincial Gover...
No.2801/13/Q ... s/3875-Dc/45, dated the ... of ... 5,
and to request that, if there is no objection, parallel action
may kindly be taken in respect of lands and buildings in the
Mysore State, which may still be occupied by the Central Gove...
ment.



I have the honour to be,
Sir,
Your most obedient servant,

... Deputy Secretary

DEPARTMENT

BRANCH

Draft Letter / Memorandum / Telegram

Class for telegrams	INLAND	FOREIGN
	Immediate	Immediate
	Important	Important
	Ordinary	Ordinary
		Weight per word

No

To

Tabled

Initialled

1st Reminder

2nd Reminder

3rd Reminder

Heading

Case or Diary No

Is post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams)

Letter from the Assistant Secretary to the Government Estates Branch, Office of Works, to Provincial Governments No. 61/13/[illegible]/375-X/[illegible], dated the 14th November 1945

Exemption from local taxation of land and buildings occupied by the Central Government during the present emergency

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I am directed to refer to the Government Property (Local Taxation) Act, 1940, section 1 of which provides, inter alia, that no rate or tax shall be levied in respect of any land or building which is occupied by or on behalf of the Central Government during the present emergency and which has been requisitioned by the Central Government or vested in the Central Government by virtue of the Requisitioning and Acquisition of Property Act, 1941, or any Order made thereunder. The effect of this provision is as follows:-

(a) The Central Government is exempt from liability to local taxation in respect of those vested lands and buildings which are occupied by them.

(b) The Central Government is also exempt from liability to local taxation in respect of those vested lands and buildings which are occupied by persons other than the Central Government but in respect of which the rent payable by the Central Government may have been fixed with reference to local taxation, but the taxes as such are payable by the lessor not by the lessee. Where, by contract, the Central Government has undertaken with the lessor to pay such taxes on his behalf, the Central Government pays those taxes in fulfilment of the contract and not by reason of any liability not excluded by the section.

(c) Lands and buildings which have been requisitioned do not vest in the Central Government, and though the annual compensation paid in respect of the requisition contains an element referable to local taxation the taxes as such are leviable from the owner and not from the Central Government.

4 In short, since the proviso to the section does not operate in respect of the objects of this reference, the section exempts the Central Government from liability to local taxation as such as in respect of those objects.

5(1) I am directed further to draw attention to the question whether new or additional or increased rates of local taxation can be imposed in respect of new buildings constructed during a lease executed in favour of the Central Government since the present emergency began, or in respect of additions or alterations made during such a lease to buildings in existence before it.

(a) Where the buildings are on land vested in the Central Government by virtue of the section operates to exempt the Central Government from local taxation.

(b) Where they are on land leased to the Central Government the section again operates to exempt the Central Government from local taxation. The lessor, however, will continue to be liable for such taxes as are payable by him as it is hoped however, that he will not be called upon to pay taxes in respect of additional structures where no increase in rent is allowed for such additions

(c) [illegible] or buildings, whether [illegible] or not, are requisitioned it is likely to be found that no additional or increased taxes will be levied in respect of

6 In those cases where a question of local taxation have arisen, the Government of India consider that owners of land and buildings requisitioned by the Central Government should be in no better position than any other class of property owner [illegible] the fact that rent should have been fixed under the Requisitioning and Acquisition Orders

In

DEPARTMENT
BRANCH

F l No.
S rial N

Draft Lett r / M m ra d m / T gram

Class for telegrams

INLAND: Immediate / Important / Priority / Ordinary

FOREIGN: Immediate / Important / Ordinary / Weekly Telegram

No Dated 19

To

T b l d I d

1 t Reminder

2 d Reminder

3 l Reminder

H d g

Case or Diary No

Ack wledgement required

Date of dispatch of above

List of enclosures

(Code word for telegrams)

S 5
L C & S C l—N 7 8R (C 9)—11 7 40—60 000 P d

[redacted]efore any [redacted] ta[redacted]irl, fall[redacted]
[redacted]ally-occupied by [redacted]e[redacted]ntial [redacted]overnment should b[redacted]

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[redacted]e [redacted]ort[redacted] [redacted]o[redacted]rn ent are aware of t[redacted]e
[redacted]a[redacted] [redacted]d in [redacted]s[redacted]es does
[redacted]clai[redacted]d incorrectly [redacted]ail prior to

[redacted]t [redacted]a[redacted]e [redacted]o[redacted]l [redacted]ov[redacted]rnment may [redacted]ubmit
[redacted]er[redacted] [redacted]o[redacted]l [redacted]o[redacted]l ta[redacted]ation withi[redacted]
[redacted]a[redacted]e [redacted]ha[redacted]ges to the positio[redacted]

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[redacted]th [redacted]ver[redacted]e to [redacted]ua[redacted]ion.

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[redacted]alitie[redacted] etc [redacted]avi[redacted] the
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[redacted]rovince, [redacted]u[redacted] [redacted]ha[redacted] no
as set out above [redacted]n order [redacted]ha[redacted] no
respect of [redacted]a[redacted]d [redacted]uildi[redacted]s in [redacted]

15 CMV 1109-45-1+
Immediate

Yoruba Act - 1933

Section 154

Exemption of certain public property from taxation

Property vested in His Majesty for purposes of the government of the Federation shall save in so far as any Federal Law may otherwise provide, be exempt from all taxes imposed by or by any authority within a Province or Federated State.

Provided that, until any Federal law otherwise provides any property so vested which was immediately before the commencement of Part III of this Act liable or treated

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*)

WD 03697—GPB—30 000—2 2 40

PTO

15 CMV RL/109-454

2 (with 14 encls)

Immediate

To Bel 22238, 27/8/46

The Secretary to the Hon'ble the Resident in Mysore, Bangalore

Exemption from local and municipal taxation of lands and buildings occupied by the Central Govt during the present Emergency

Sir,

With reference to Your letter No R 7 85-46/pol, dated 28th February, 1946, on the above subject, I am directed to state that necessary instructions have been issued to the Concerned Local Bodies in the Mysore State, having the power of local taxation in re to exemption from local & municipal taxation, all lands and buildings, which may still be occupied by the Central Govt.

I have &c

14/3
Revenue Secy

M

Memo no 1-39 dated 5/6/46

Copy (with a copy of the Govt of India (late) Defence Department letter no 5201/13/Q dt 4/5 3875-Dc/45-, dated 12-11-45) for c/c to

1) Municipal Comm Bangalore city (Through the President)
2) President, city Mlcd Mysore
3) Deputy Commrs of nine Districts
4) Revenue - Commr
5) President, K-G of Sanitary Board for information and necessary action

By order

for Revenue Secy

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No. & Pol 2223
Mil 109 45 4

General and Revenue Secretariat

Dated Bangalore 27 March 1946

From

J.B.Hallaradhya, Esq., M.A.,
Secretary to the Government of
His Highness the Maharaja of Mysore
Revenue Department.

To

The Secretary to the Hon'ble the Resident in Mysore
BANGALORE

Sir,

Subject: Exemption from local and municipal taxation of lands and buildings occupied by the Central Government during the present Emergency.

With reference to your letter No.M.F.85-46/Pol. dated 28th February 1946, on the above subject, I am directed to state that necessary instructions have been issued to the concerned Local Bodies in the Mysore State, having the power of local taxation in regard to exemption from local and municipal taxation, all lands and buildings, which may still be occupied by the Central Government.

I have the honour to be,
Sir,
Your most obedient Servant,

Sd/- B Hallaradhya
Secretary to Government,
Revenue Department.

LC/3.

Exhn Cm

Letter from the Joint Secretary to the Government of India Defence Department, to Provincial Governments No.8201/13/Q Hgs/ 3875-DC/45 dated the 12th November 1945.

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Exemption from Local and Municipal Taxation of land and buildings occupied by the Central Government during the present emergency.

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Reference the Government of India Act.1935, Section 154.

I am directed to state that cases of improperly imposing an assessment in respect of local taxation have occurred in respect of lands and buildings taken into occupation during the present emergency by the Central Government and in respect of temporary and permanent structures erected by the Defence Services on land leased or requisitioned during the present emergency.

3. The legal position in respect of such lands, buildings and structures is as follows:-

(a) The Central Government is exempt by virtue of section 154 of the Government of India Act, 1935, from local taxation in respect of those vested in it by purchase.

(b) The Central Government is also exempt by virtue of that section from local taxation in respect of those vested in it by lease. Where a liability to local taxation existed immediately before the execution of the lease the rent payable by the Central Government may have been fixed with reference to such taxation, but the taxes as such are payable by the lessees. Where, by a contract, the Central Government has undertaken with the lessor to pay such taxes on his behalf, the Central Government pays those taxes in fulfilment of the contract and not by reason of any liability not excluded by the section.

(c) Lands and buildings which have been requisitioned do not vest in the Central Government, and though the annual

the annual compensation paid in respect of the requisition contains an element referable to local taxation the taxes as such are leviable from the owner and not from the Central Government.

4. In short, since the proviso to the section does not operate in respect of the objects of this reference, the section exempts the Central Government from liability to local taxation as such as in respect of those objects.

5(1) I am directed further to draw attention to the question whether new or additional or increased rates of local taxation can be imposed in respect of new buildings constructed during a lease executed in favour of the Central Government since the present emergency began, or in respect of additions or alterations made during such a lease to buildings in existence before it.

(a) Where the buildings are on lands vested in the Central Government by purchase the section operates to exempt the Central Government from local taxation.

(b) Where they are on lands leased to the Central Government the section again operates to exempt the Central Government from local taxation. The lessor, however, will continue to be liable for such taxes as are payable by an owner. It is hoped however, that he will not called upon to pay taxes in respect of additional structures where no increase in rent is allowed for such structure.

(2) Where lands or buildings, whether the subject of alteration or not, are requisitioned it is likewise hoped that no additional or increased taxes will be levied in similar circumstances.

6. In those cases where a general, rise in, or reassessment to local taxation have arisen, the Government of India considers th owners of land and buildings receiving rent from the Central